

154.45-010 Definitions for subchapter 45 of KRS Chapter 154. (Effective until December 31, 2007)

As used in Subchapter 45 of KRS Chapter 154, unless the context otherwise requires:

- (1) "Authority" means the Enterprise Zone Authority of Kentucky;
- (2) "Employee" means a person who works twenty (20) hours or more per week and is employed by a business located in an enterprise zone and includes a qualified seasonal employee. For purposes of determining whether a qualified business maintains the percentage of targeted workforce employees required by subsection (8) of this section for the entire time it is certified as a qualified business, a qualified seasonal employee shall be deemed to be employed for the entire calendar year;
- (3) "Enterprise zone" means an area designated by the authority to be eligible for the benefits of the Enterprise Zone Program;
- (4) "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed;
- (5) "Existing business" means a person, corporation, or other entity engaged in the active conduct of a trade or business at a location within the enterprise zone prior to the date the authority designated the area as an enterprise zone;
- (6) "Local government" means a city, county, urban-county government, or charter county government;
- (7) "New business" means a person, corporation, or other entity who was not engaged in the active conduct of a trade or business in the enterprise zone prior to the date the authority designated the area as an enterprise zone, and who becomes engaged in the active conduct of a trade or business within the enterprise zone after the date the authority designated the area as an enterprise zone;
- (8) "Qualified business" means an existing business or new business that has been certified by the authority to have at least fifty percent (50%) of its employees performing substantially all of their services within an enterprise zone and meeting one (1) of the following criteria:
 - (a) With a new business employing at least twenty-five percent (25%) of the business's employees from the targeted workforce; or
 - (b) With an existing business creating new activity within the enterprise zone of not less than a twenty percent (20%) increase in the number of employees or by a twenty percent (20%) increase in capital investment within eighteen (18) months from the date of application for certification as a qualified business. Businesses that are certified based upon an increase in employees shall employ at least twenty-five percent (25%) of the new employees from the targeted workforce;
- (9) "Qualified employee" means an employee of a qualified business;
- (10) "Qualified seasonal employee" means a seasonal employee employed by a seasonal business for at least sixty (60) days during the calendar year;
- (11) "Seasonal business" means a business with respect to which seasonal employees constitute at least eighty percent (80%) of the total number of employees of the

business during the calendar year. For purposes of this definition, a person shall be treated as an employee only if the person is employed by the business for at least sixty (60) days during the calendar year;

- (12) "Seasonal employee" means a person who is employed by a qualified business during certain seasons or during part of the calendar year; and
- (13) "Targeted workforce" means Kentucky residents:
 - (a) Who reside within an enterprise zone; or
 - (b) Who have been unemployed for at least ninety (90) days or who have received public assistance benefits, based on need and intended to alleviate poverty, for at least ninety (90) days prior to employment with a qualified business.
 - (c) For the purpose of this subsection, "Kentucky resident" means a person who has resided in the Commonwealth for at least ninety (90) days.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 168, sec. 48, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 465, sec. 3, effective April 21, 2000. -- Amended 1992 Ky. Acts ch. 35, sec. 2, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 30, sec. 2, effective July 15, 1986. -- Created 1982 Ky. Acts ch. 131, sec. 2, effective July 15, 1982.

Formerly codified as KRS 154.655

Legislative Research Commission Note (3/18/2005) 2005 Ky. Acts ch. 168, sec. 165, provides that this section shall apply to tax years beginning on or after January 1, 2005.

Legislative Research Commission Note (3/18/2005). 2005 Ky. Acts ch. 168, sec. 159, has repealed this statute effective December 31, 2007.

2004-2006 Budget Reference. See 2005 Ky. Acts ch. 184, sec. 8, at 3260; and Final Budget Memorandum, at 56.